

REMARKS

As a preliminary, Applicants and Applicants' representative thank the Examiner for the personal interview which was held on May 3, 2006.

By the present amendment, claim 1 has been amended to specify that the marker is chosen from particles that can be detected by magnetic resonance, magnetic particles that can be detected by a magnetoresistive head, particles that can be excited at given wavelengths to emit fluorescence, UV-detectable particles, IR-detectable particles, particles that can be detected by biotechnological method, and mixtures thereof.

Further, claim 1 has been amended to specify that the medium has a front side, that the adhesive layer is disposed on a reverse side of said medium, said adhesive layer having a front surface and an adhesive back surface such that said medium is capable of being affixed to an article (P), and that the marker is contained in a layer selected from the group consisting of (i) the adhesive layer and (ii) another layer intermediate between the adhesive layer and the front side of the medium.

Also, the term "layer of adhesive" has been replaced by "adhesive layer" in the last clause, and the expression "at least a portion of the adhesive layer and" has been added before "at least part of said marker detaches from the medium."

Support for the added recitations is found in the original application, in particular on page 6, lines 26-30 and page 9, lines 28-30, the original claims, and the Figures.

Accordingly, in claim 3, the expression “at least part of said marker is contained in a layer, this said layer being” has been replaced by “said layer containing said marker is,” in claim 4, the dependency has been changed to claim 3 instead of claim 2 and the expression “containing this part of the marker” has been deleted, in claim 5, the expression “including at least part of said marker” has been deleted, in claim 8, “one claim 8” has been corrected to “claim 8” and the expression “said medium has, on its reverse side, at least one layer having” has been replaced by “said layer has” and “said at least part of” has been added before “said marker” on the last line, in claim 9, the expression “characterized in that” has been corrected to “wherein” and the term “layers” has been replaced by “regions (2a, 2b),” in claim 10, the term “may” has been deleted, in claim 11, the dependency has been amended to 3 instead of 6 and the expression “the layer containing at least part of the marker” has been replaced by “said layer,” in claim 15, the dependency has been amended to 1 instead of 3 and a reference numeral has been deleted, in claim 23, the preamble has been amended from “The document (V) as claimed in claim 1, wherein at least part of the article (P), to which the document (V) will be affixed” to “An article (P) to which the document (V) as claimed in claim 1 is affixed, wherein the article (P)” and in claim 31, the steps of “detecting” and “comparing” have been recited positively.

Further, the clauses introduced by “especially” and “in particular” have been deleted in the claims. New claims 34-43 have been added for corresponding features.

Also, new claims 44-45 have been added to recite magnetic particles and fluorescent particles, respectively.

Claims 1 and 31 have been presented with separate paragraphs for readability.

Claims 1-45 are pending in the present application.

In the Office Action, claims 3, 10-18, 22, 24 and 28 are objected to for alleged informalities, namely, (i) in claim 3, the “layer” on line 2 is unclear, (ii) in claims 10, 12, 13, and 14, the expression “said regions” on line 2 lacks antecedent basis, and (iii) the recitation of both broad and narrow terms in claims 10-11, 15-18, 22, 24, and 28 is indefinite.

Reconsideration and withdrawal of the objections is respectfully requested.

First, the objection to the term “layer” in claim 3 is respectfully traversed. Present claim 1 recites that the marker is contained in a layer selected from the group consisting of (i) the adhesive layer and (ii) another layer intermediate between the adhesive layer and the front side of the medium. Accordingly, claim 3 has been amended to replace “a layer” by “said layer containing said marker.” It is submitted that the present specification discloses various embodiments in which the marker is initially located in a specific layer, a portion of which remains attached to the substrate (claim 3), for example, the adhesive layer (claim 4), or a layer having a controlled melting point (claim 15) from which the marker can creep toward the adhesive layer. This confirms that the general definition of “a layer” in claim 1 is appropriate.

Second, the term “layers” has been replaced by “regions (2a, 2b)” in claim 9 to provide antecedent basis for “said regions” in claims 10 and 12-14.

Third, the term “may” has been deleted in claim 10 and the clauses introduced by “especially” and “in particular” have been deleted in the claims.

In view of the above, it is submitted that the objections should be withdrawn.

Next, in the Office Action, claims 1-14, 16-17, 19-21, 23-28, and 31 are rejected under 35 U.S.C. 102(b) as anticipated by US 5,869,160 to Mason et al. (“Mason”), and claims 29, 30, and

32-33 are rejected under 35 U.S.C. 103(a) as obvious over Mason in view of US 6,970,236 to Markantes et al. ("Markantes").

Reconsideration and withdrawal of the rejections is respectfully requested. As discussed at the interview, Mason provides conventional pigments in its adhesive layer, but Mason is completely silent as to a non-conventional marker such as a marker that emits a signal that is characteristic per se, so that a part of the marker can be detected in the event of disbondment. In addition, Mason is completely silent as to separating a portion of the adhesive layer in the event of disbondment.

In contrast, in the presently claimed invention, as recited in present claim 1, the document (V) comprises a marker that emits a signal characteristic per se. In particular, the marker is chosen from particles that can be detected by magnetic resonance, magnetic particles that can be detected by a magnetoresistive head, particles that can be excited at given wavelengths to emit fluorescence, UV-detectable particles, IR-detectable particles, particles that can be detected by biotechnological method, and mixtures thereof. Thus, after the document (V) has been bonded by means of the adhesive layer to the article (P), in the event of disbondment of the document (V), at least a portion of the adhesive layer and at least part of said marker detaches from the medium. An advantage of the presently claimed invention is that the removal of adhesive can be detected by measuring a signal emitted by a portion of the marker on the document (V) and/or on the article (P). This feature of the presently claimed invention and its advantages are not taught or suggested in Mason, and Markantes fails to remedy this deficiency. Therefore, the present claims are not obvious over the cited references taken alone or in any combination.

In addition, with respect to the dependent claims, it is submitted that the combined features as recited in these respective claims are not taught or suggested in the cited references. In particular, regarding claim 3-4, Mason fails to teach or suggest said layer containing said marker is such that, after the document (V) has been bonded to the article (P), in the event of disbondment of the document (V) at least part of said layer with said at least part of said marker remains attached to said article (P), as recited in claim 3, this layer being for example the adhesive layer, as recited in claim 4, and with respect to claim 15, Mason fails to teach or suggest at least part of the marker lies within a layer having a controlled melting point-and said layer results in the creep of at least part of said marker toward the layer(s) that will remain at least partly attached to the article (P), as recited in claim 15. Therefore, the dependent claims are not obvious over the cited references taken alone or in any combination.

In view of the above, it is submitted that the rejections should be withdrawn.

In conclusion, the invention as presently claimed is patentable. It is believed that the claims are in allowable condition and a notice to that effect is earnestly requested.

If there is, in the Examiner's opinion, any outstanding issue and such issue may be resolved by means of a telephone interview, the Examiner is respectfully requested to contact the undersigned attorney at the telephone number listed below.

Amendment
Serial No. 10/510,129
Attorney Docket No. 042840

If this paper is not considered to be timely filed, the Applicants hereby petition for an appropriate extension of the response period. Please charge the fee for such extension and any other fees which may be required to our Deposit Account No. 50-2866.

Respectfully submitted,

WESTERMAN, HATTORI, DANIELS & ADRIAN, LLP

A handwritten signature in black ink, appearing to read "Nicolas E. Seckel".

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